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PTO/SB/65 (03-09)

Approved for use through 03/31/2012. OMB 0651-0016  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF  
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

Docket Number (Optional)  
**RECEIVED**

Mail to: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450  
Fax: (571) 273-8300

AUG 26 2010

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent Number: 5,490,924  
Issue Date: Feb 13, 1996

Application Number: 08/277,619  
Filing Date: JULY 20, 1994

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable:

The above-identified patent:

- ☐ is a reissue of original Patent No. \_\_\_\_\_ original issue date \_\_\_\_\_;  
original application number \_\_\_\_\_  
original filing date \_\_\_\_\_
- ☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application  
\_\_\_\_\_ filed on \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is

(1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 OR

(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

8-10-2010  
Date

Naraso F. Macia  
Signature

Naraso F. Macia  
Typed or printed name of person signing Certificate

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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## 1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27

## 2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

## 3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input type="checkbox"/> \$ _____	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input type="checkbox"/> \$ _____	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input type="checkbox"/> \$ <u>2155</u>	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ \_\_\_\_\_

## 4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ 600 (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.SURCHARGE FEE BEING SUBMITTED \$ 600

## 5. MANNER OF PAYMENT

☒ Enclosed is a check for the sum of \$ 2155☐ Please charge Deposit Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_☐ Payment by credit card. Form PTO-2038 is attached.

(CHECK WAS MAILED WITH ATTACHED LETTER (COPY) ON 7-30-2010)

## 6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. \_\_\_\_\_

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

7. OVERPAYMENT

As to any overpayment made, please

☐ Credit to Deposit Account No. \_\_\_\_\_

OR

☐ Send refund check

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**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

*Narciso F. Macia*

Signature(s) of Petitioner(s)

*Narciso F. Macia*

Typed or printed name(s)

*19225 S. Sossaman Rd*

Address

*Queen Creek, AZ 85142*

Address

*Aug 10, 2010*

Date

Registration Number, if applicable

Telephone Number

ENCLOSURES:



Maintenance Fee Payment

*(PREVIOUSLY SUBMITTED)*



Statement why maintenance fee was not paid timely



Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)

*(PREVIOUSLY SUBMITTED)*



Other:

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

*Narciso F. Mañá*

Signature

*Narciso F. Mañá*

Type or printed name

*AUG 10, 2010*

Date

Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

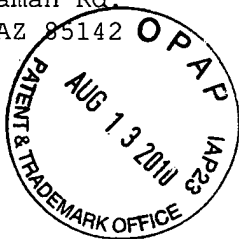
In the past, I would get notifications from the patent attorneys regarding the maintenance fee. Unfortunately, this did not happen for the last maintenance fee. Two reasons for this lack of communication:

- a) Mr. Richard Mybeck passed away
- b) The other patent attorney must be at a different law firm.

A few days ago I inquired (with the USPTO) about the patent and was informed that the patent had expired. Since then, I have corresponded with the USPTO office regarding this matter (see attached letter) and also in a phone conversation (1-1-740-269-26).

(Please attach additional sheets if additional space is needed)

Control Systems Innovation, Inc.  
19225 S. Sossaman Rd.  
Queen Creek, AZ 85142



-COPY-

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AUG 26 2010  
OFFICE OF PETITIONS

U.S. Patent and Trademark Office  
Maintenance Fees Department  
P.O. Box 979070  
St. Louis, MO 63197-9000

July 30, 2010

Dear Patent and Trademark Officer,

The purpose for this letter is to respectfully request the reinstatement of Patent No. 5,490,924 (Filtration System).

Allow me to explain why the maintenance fee was not paid. Previous communications regarding maintenance fees was handled by a patent lawyer who would notify me every time that a maintenance fee was due. However, this lawyer must no longer be working for the same law firm, since I received no notification from him regarding the maintenance fee that was due on August 13, 2008. For the above reason, I would like to respectfully ask that the patent be reinstated and that I be charged the unavoidable surcharge after expiration (\$700).

I am hoping full that we can launch to market a product that will contribute to stimulating the economy.

Apparently, the address that you have on record for Control System Innovation, Inc. is no longer valid. Please, direct all future communications regarding this patent to the address below.

Please find a check for \$2755 (11 1/2 year, small entity, maintenance fee + unavoidable surcharge after expiration).

If you would like to further discuss this situation, may I suggest that you call me on my cell: 480-277-1531.

Thank you in advance for your consideration.

Sincerely yours,

Narciso F. Macia, President  
Control Systems Innovation, Inc.

**Control Systems Innovation, Inc.**  
P.O. Box 1908, 19225 S. Sossaman Rd., Queen Creek, AZ 85142 (480) 888-8688

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